

REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

Formal Matters

In this Response, claims 1-30 are pending. Claims 1, 3, 5-7, 9, 11-13, 15, 17-19, 21, 23-25, 27 and 29-30 are amended to correct minor errors and antecedent basis. In addition, independent claims 1, 5, 7, 11, 13, 17, 19, 23, 25, and 29 are amended to more clearly recite the invention. Specifically, the independent claims are amended to recite that the data is transmitted directly from the first communications system to the second communications system without passing through the central communications system. Support for this amendment can be found throughout the specification, for example on page 14, lines 8-10. Further, independent claims 7 and 19 are amended to recite a processor. Support for this amendment can be found in the specification on page 8, lines 11-15. Care has been taken to ensure no new matter is being entered.

Information Disclosure Statement

The Examiner finds that the Information Disclosure Statement filed March 29, 2004 fails to comply with 37 CFR 1.98(a)(3). Specifically, the Examiner did not consider the citation of documents 212356 and 216856 from Hungary. Applicant herein provides translations of these documents and requests that the Examiner consider them.

Rejection of Claims Under 35 U.S.C. §112

Claims 7-12 and 19-24 are rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner is unable to determine from the specification, the structure to correlate

with the “means for” language.

The specification defines control circuitry 102 on page 8, lines 7-24, and secure redirectors 112 on page 10, lines 3-5. These features correlate with the “means for” language in claims 7-12 and 19-24. In particular, control circuitry 102 enables a communications system to communicate with a secure central communications station, as shown in Figure 1. Accordingly, claims 7-12 and 19-24 are not indefinite.

In addition, the Examiner states there is insufficient antecedent basis for the limitation “new connection” in claim 5. Claim 5 is amended to correct the antecedent basis, by reciting “a new connection with said first communications system” and “a new connection with said second communications system”. Hence, claim 5 is not indefinite.

Withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §101

Claims 7-12 and 19-24 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner states that functionally descriptive material, such as a computer program, is statutory when it is stored on a tangible computer medium. As discussed above, independent claims 7 and 19 are amended to recite a processor. Hence, these claims are directed to a new and useful system having a processor, and the claims are not directed to software per se.

Withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §103

Claims 1-30 are rejected under 35 U.S.C. § 103(a) as unpatentable over Blewett et al., U.S. Patent No. 7,131,141 (hereinafter “Blewett”), and further in view of Yang, U.S. Patent Application Publication No. 2004/0117485. This rejection should be withdrawn based on the

comments and remarks herein.

Among the problems recognized and solved by Applicant's claimed invention is the need for secure or authorized communication between two communications systems or clients without the ongoing participation of a central communications systems or server. Applicant's inventive solution enables two clients, each behind its own firewall, to directly communicate in a peer-to-peer fashion. After establishing communication through a central server, a first client and a second client can communicate directly without further participation of the server. The connection is possible because the communication from the first client appears to be from the server, yet is transmitted directly from the first client to the second.

Blewett teaches a security gateway for connecting home and corporate networks using the internet (column 1, lines 30-33). Blewett discloses a technical advance in which a security gateway routes traffic from its sources to its destinations with the security gateway acting as the bulwark against untrusted-network-based attacks (column 3, lines 20-22). Blewett does not teach or suggest transmitting data directly from one system to another; instead all data is routed through the security gateway. Further, Blewett does not teach or suggest "transmitting data directly from said first communications system to said second communications system, wherein said data uses said connection information for said second communications system as destination information and uses connection information for said central communications station as source information, said data originating from said first communications system appearing to originate from said central communications station" as recited in independent claims 1, 7, 13, 19, and 25. Similarly, Blewett does not teach or suggest "transmitting a connection acknowledgement directly from said first communications system to said second communications system" as recited in independent claims 5, 11, 17, 23 and 29.

Yang does not overcome this deficiency, and the Examiner does not state otherwise.

Yang teaches a tunneling system, method and computer program product (paragraph [0008]).

Yang solves some of the access problems of TCP based client-server applications by enabling a TCP based server and client application to work across enterprise network boundaries in the same way as they work inside an enterprise network (paragraph [0017]). Accordingly, Yang teaches a client application connecting to a server, and executing the application using the server.

Yang does not teach or suggest transmitting data directly from a first communications system to a second communications system or “data originating from said first communications system appearing to originate from said central communications station”. Yang also does not teach or suggest “transmitting a connection acknowledgement directly from said first communications system to said second communications system”. Hence, the hypothetical combination of Blewett and Yang does not teach or suggest each feature recited in the independent claims of the present invention.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of Blewett and Yang lacks at least communication directly between a first communications system and a second communications system. Hence this hypothetical combination does not disclose or suggest each and every feature of the present invention as recited in independent claims 1, 5, 7, 11, 13, 17, 19, 23, 25 and 29, and *prima facie* obviousness has not been established. Claims 2-4 depend from claim 1, claim 6 depends from claim 5, claims 8-10 depend from claim 7, claim 12 depends from claim 11, claims 14-16 depend from 13, claim 18 depends from claim 17, claims 20-22 depend from 19, claim 24 depends from claim 23, claims 26-28

depend from claim 25, and claim 30 depends from claim 29, each dependent claim incorporating the features and limitations of its respective base claim. Thus these dependent claims are patentably distinguishable over the art of record in the application for at least the reasons that their base claims are patentably distinguishable over the art of record in the application. Accordingly, withdrawal of this rejection is requested.

Conclusion

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



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Enc. (Translation of Hungarian references nos. 212356 and 216856)